

FILED

NOV 28 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMONTAE HARRIS,

Defendant.

No. ~~CR~~ 4-11-71298 MAG (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Damontae Harris is charged in an indictment with a violation of 18 U.S.C. §§ 922(g)(1) (felon in possession of a firearm and ammunition). On November 22, 2011, the United States moved for Mr. Harris' detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a full bail study. On November 28, 2011, this court conducted a detention hearing, and took proffers from both sides.

After considering the information presented to the Court, and the factors set forth in 18 U.S.C. § 3142(g), the Court detains Mr. Harris as a danger to the community and finds that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his

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cc: Copy to parties via ECF, Pretrial Services, 2 Certified copies to US Marshal

1 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
2 1403, 1406 (9th Cir. 1985). Mr. Harris is 25 years old and has a significant criminal record,  
3 including two felony drug convictions, one conviction for second degree robbery, and an arrest  
4 for grand theft that appears to have resulted in a return to prison for parole violation, if not  
5 another felony conviction. The government proffered that the police report regarding the grand  
6 theft indicates that the victim positively identified Mr. Harris as having held a gun to the victim's  
7 neck as part of the incident. The court is also particularly concerned that Mr. Harris had over ten  
8 returns to prison for parole violations from 2007 to the present. The government has met its  
9 burden of establishing by clear and convincing evidence that Mr. Harris presents a danger to the  
10 community.

## 11 II. CONCLUSION

12 The Court detains Mr. Harris at this time. Because Defendant waived his right to present  
13 information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later  
14 hearing, the Court orders that the hearing may be reopened at Defendant's request at any future  
15 time.

16 Mr. Harris shall remain committed to the custody of the Attorney General for  
17 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or  
18 serving sentences or being held in custody pending appeal. Defendant shall be afforded  
19 reasonable opportunity for private consultation with counsel. On order of a court of the United  
20 States or on request of an attorney for the Government, the person in charge of the corrections  
21 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the  
22 purpose of an appearance in connection with a court proceeding.

23 IT IS SO ORDERED.

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26 DATED: November 28, 2011

  
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DONNA M. RYU  
United States Magistrate Judge